



A BILL FOR AN ORDINANCE

RELATING TO THE MAINTENANCE OF CHANNELS, STREAMBEDS,
STREAMBANKS AND DRAINAGEWAYS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the conditions a private stream owner is held to maintain, dredge and clear such stream.

Streams are natural, altered or improved channels that have seasonal or continuous water flows as a result of either surface stormwater runoff or groundwater influx, or both. This ordinance is intended to prevent harm to the health, safety and general welfare of the public, and preserve water quality by ensuring owners of private streams fulfill their maintenance responsibilities beyond that of mitigating flood hazards.

SECTION 2. Section 41-26.2 and 41-26.3, Revised Ordinances of Honolulu 1990, ("Maintenance of Streams"), are amended to read as follows:

Sec. 41-26.2 Definitions.

"Chief engineer" means the director and chief engineer of the department of [public works] facility maintenance or the chief engineer's authorized representative.

"City" means the City and County of Honolulu.

"Department" means the government unit known as the department of [public works] facility maintenance of the City and County of Honolulu.

"Owner" means the fee simple owner of record, lessee of record, administrator, administratrix, executor, executrix, personal representative, receiver, trustee, property management agent or any other individual corporation, or unincorporated association, who has the use, control or occupation of a stream in its entirety, or portion thereof including its channels, streambeds, streambanks and drainageways, or the mouth of a stream at the ocean, with claim of ownership, whether such person's interest be in absolute fee or a lesser estate.



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"Person" means a human being, a corporation, an unincorporated association or other entity.

"Streams" means natural, altered or improved channels that have seasonal or continuous water flows as a result of either surface stormwater runoff or groundwater influx, or both. Streams include channels, streambeds, streambanks, drainageways and stream mouths. Streams do not include ditches, flumes, reservoirs, lagoons, holding and silting basins, lakes, ponds and their associated ditches, underground drain lines or systems, and any portions of irrigation systems.

Sec. 41-26.3 Maintenance of streams.

The owner of any stream has the duty to maintain, dredge and clear such stream so that the natural flow of water runs unimpaired. The owner shall also be responsible for the removal of any debris, vegetation, silt or other items or material of any kind, that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance.

SECTION 3. Ordinance material to be repealed is bracketed New material is underscored When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 43 (2017)

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

APR 19 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu